



[247] Attorney Docket No. : ADP-131.1US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chacon et al.
Appl. No. : 09/990,750
Filed : November 16, 2001
For : GLASSES FOR FLAT PANEL DISPLAYS
Examiner : K. Group
Group : 1755

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE

This is in response to the non-final Office Action dated August 26, 2003.

Submitted herewith is a petition under 37 CFR §1.136 and the required fee requesting a two month extension in which to file this paper. With the extension, this response is due on January 26, 2004.

In the August 26th Office Action, the Examiner entered a double patenting rejection based on commonly-assigned, co-pending application No. 10/141,286 (the '286 application), which is a reissue application of U.S. Patent No. 6,060,168 (the '168 patent). In the '286 application, a double patenting rejection has also been made based on the present application and U.S. Patent No. 6,319,867 (the "'867 patent") from which the present application claims priority. See the September 9, 2003 Office Action for the '286 application, a copy of which is attached hereto as Exhibit A.

Although some of the limitations of the claims of this application and those of the '286 application overlap, applicants do not agree that the claims are patentability indistinct. For example, all of the claims of this application include a limitation calling for a liquidus viscosity greater than about 200,000 poise. None of the claims of the '286 application contain such a limitation. Conversely, all of the claims of the '286 application include a limitation requiring SrO + BaO to be less than 3.0 wt.%. No such limitation appears in the claims of this application.

However, to facilitate the prosecution of this application, submitted herewith is a terminal disclaimer for the present application directed to the '286 application. The terminal disclaimer also includes the '867 patent which was cited in the double patenting rejection for the '286 application. Simultaneous with the submission of this terminal disclaimer, a terminal disclaimer is also being submitted in the '286 application directed to this application and the '867 patent. A copy of that terminal disclaimer, as well as the response being submitted in the '286 application to the September 9th Office Action for that application, are attached hereto as Exhibit B.

The terminal disclaimers in this application and in the '286 application are being made without prejudice and their sole purpose is to obviate the double patent rejections made in this application and the '286 application. Pursuant to the holding in, for example, Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), these terminal disclaimers are not to be construed in any way as an obviousness admission with regard to any of the claims of this application or the '286 application.

Based on the foregoing, applicants believe that this application is now in condition for allowance. Accordingly, reconsideration and the issuance of a notice of allowance for the application are respectfully requested.

Respectfully submitted,

Date: January 5, 2004

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